

REPETTO et al
Serial No. 10/537,754
February 9, 2010

AMENDMENT TO THE DRAWINGS:

The attached one (1) sheet of drawings includes changes to FIG.2 and is being submitted as a replacement for the comparable sheet of drawings including FIG. 2 as originally filed.

Attachment: One (1) Replacement Sheet – FIG. 2

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Request for Continued Examination

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the November 6, 2009 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

2. Discussion of Amendments

By way of the amendment instructions above, the claims have been amended so as to emphasize various structural and functional aspects of the present invention. Support for such amendment can be found, for example, in the originally filed specification at page 2, line 33-35, page 4, lines 32-35, page 6, lines 12-25 and FIGS. 1-2.

A revised version of FIG. 2 is being filed so as to correct a reference numeral therein (i.e., "29" should have been noted as "24").

Amended version of claims 1 and 4-37 will therefore remain pending herein following entry of this amendment.

3. Response to 35 USC §103(a) Rejections

The only issues remaining to be resolved in this application are the rejections of the prior claims under 35 USC §103(a) based mainly on the combination of Streetman (USP 6,372,979) in view of Malfa (US 2003/0230336). Applicant respectfully disagrees.

The Examiner seems to be of the view that use of "...a semi-ellipsoidal shape for the conversion chamber [would have been obvious] because a semi-ellipsoidal shape

occupies less space and can be conform (sic) to different environments." (Official Action at page 4, lines 16-17) and that it would have been obvious to "...place the solar cells on the planar surface of the semi-ellipsoidal shape because flat surfaces make attachment of solar cells easier than curved surfaces...." (Official Action at page 4, lines 20-22.) With all due respect, the Examiner's purported reasons to support her allegations of obvious bear no rational relationship to the structures and functions of such structures as claimed herein. Thus, it can only be concluded that the Examiner has viewed the prior art in the impermissible glare of hindsight using the present applicants' disclosure as a guide.¹

To be sure, neither Streetman nor Malfa disclose or even remotely suggest a conversion chamber which includes an elliptical wall having an elliptical interior radiation-reflective surface defining a focus region for focusing radiation reflected thereby and a planar wall coincident with a plane passing through a center of the ellipsoid and perpendicular to a major axis thereof. Moreover, neither of the applied references disclose or even remotely suggest that a planar wall of such a semi-ellipsoid may include energy-conversion means on an interior surface thereof for converting radiant energy into electrical energy, wherein the combustion chamber is enclosed in the conversion chamber and is positioned in correspondence with the focus region defined by the elliptical wall of said ellipsoid. Significantly, therefore, neither Streetman nor Malfa disclose or even remotely suggest structures that function such that radiation emitted by the combustion chamber and reflected by the energy conversion means on the interior surface of the planar wall and radiation emitted by the combustion chamber and reflected by the radiation reflective inner surface of the elliptical wall are concentrated on the outer surface of the combustion chamber for re-

¹ The Federal Circuit regards hindsight as an insidious and powerful phenomenon and is a tempting, but forbidden zone in the inquiry of addressing the statutory obviousness standard. See, e.g., *Panduit Corp. v. Dennison Mfg. Co.*, 227 USPQ 337 (Fed. Cir. 1985) and *Loctite Corp. v. Ultraseal Ltd.*, 228 USPQ 90, 98 (Fed. Cir. 1985).

absorption by the external lining thereof. These are of course precisely the aspects of the present invention defined in the amended claims above.

Thus, contrary to the Examiner's assertions, a mere superficial change of shapes is not being claimed. Indeed, while certain specific shapes are defined in the applicant's claims, it is the *structural* interrelationship of such shapes which give rise to the *functional* attributes of the presently claimed invention. Streetman and Malfa simply do not contemplate any such claimed structural interrelationships or functional attributes and as such cannot render obvious the pending claims herein. Any continued rejection of the claims based on such references would thus be reversible error.

The secondary references are noted as being of some interest generally to the presently claimed invention. However, since none cures the deficiencies of Streetman and Malfa, their citation in combination with such references is inappropriate for continued rejection of the claims under 35 USC §103(a).

Withdrawal of all rejections advanced under 35 USC §103(a) is therefore in order.

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4. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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